



DNREC – WATERSHED ASSESMENT & MANAGEMENT SECTION
LEGAL NOTICE

PUBLIC HEARING ON PROPOSED AMENDMENTS TO 7 DE ADMIN CODE 7402
SHELLFISH SANITATION REGULATIONS.

The Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship will conduct a public hearing on January 17th, 2019 at 6:00 PM regarding proposed amendments to 7 **DE ADMIN CODE** 7402 Shellfish Sanitation Regulations. The hearing will be held in the DNREC Auditorium, located at 89 Kings Highway, Dover, DE 19901.

This action proposes to change the current classification of the State of Delaware's Jurisdictional waters of the Atlantic Ocean to the Prohibited classification for bi-valve shellfish. The current classification of the Atlantic Ocean Shellfish Growing Area (GA-7) is Approved but there is no commercial or recreational bi-valve shellfish harvest that occurs in this growing area and the state resources to maintain current sampling and classification work is costly and provides no added benefit to the State. The purpose of this action is to change the Atlantic Ocean (GA-7) to Prohibited. By changing the classification status, it will save the state thousands of dollars annually with no impact to the public which utilizes the State's shellfish resources. If a viable fishery was determined to exist in the Atlantic Ocean in the future, the area could be reclassified to support the fishery.

Seagrass beds will be added as Prohibited shellfish harvesting areas. The Delaware Fishing Guide has listed that clamming cannot occur within seagrass beds. This addition will make the Prohibited shellfish harvesting classification consistent with the restriction of clamming in seagrass beds referenced in the fishing guide for over ten years.

The definition of shellfish seed and maximum seed size will be added to Shellfish Sanitation regulations to be consistent with current Fish and Wildlife regulations on shellfish aquaculture in the Inland Bays. This change will benefit the public by establishing a standard for the growth of seed in Prohibited waters statewide consistent with current aquaculture regulations.

The proposed amendments may be inspected at the Department's offices located at 100 W. Water Street, Suite 10-B, Dover, DE 19904, or are available by calling the Watershed Assessment and Management Section at (302) 739-9939.

The public comment period on the proposed amendments to 7 **DE Admin Code** 7402 will be open through 4:30 PM on February 1st, 2019. Individuals may submit written comments or request additional information regarding the proposed changes via e-mail to Bethany.fiske@state.de.us or via the USPS to Bethany Fiske, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042.

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR.